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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,822	12/28/2000	Michael Wayne Nelson	CSCS-3804	8487

7590 04/22/2004

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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,822

Applicant(s)

NELSON ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/9/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the application filing, Application filed on 12/28/2000.
2. Claims 1-36 are pending in the case, claims 1, 10, 19 and 28 are independent claims.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "850" on page 34, line 16.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- "8" in Figure 8A.
- "4.22" in Figure 8B.
- "4.23" in Figure 8B.
- "6.0" in Figure 8B.
- "6.1" in Figure 8B.

- "6.2" in Figure 8B.
- "912" in Figure 9.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

- The disclosure recites "*Figure 7*" (page 26, lines 6 and 8). The drawings fail to include a Figure 7. The drawings do contain a Figure 7A.
- The disclosure recites "*right side of region 201*" (page 34, line 17) in reference to Figure 8A. Figure 8A fails to disclose a reference sign 201.
- The disclosure recites those reference signs listed in paragraph 3 above, which are not shown in the drawings.
- The disclosure fails to disclose those reference signs listed in paragraph 4 above, which are shown in the drawings.

Appropriate correction is required.

6. The use of the following trademarks has been noted in this application:

- "*Netscape Navigator*" on page 23, line 2.
- "*Netscape*" on page 24, lines 7 and 9.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."
9. Claim 3-6, 9, 12-15, 18, 21-24, 27, 30-33 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. Regarding claims 3, 9, 12, 18, 21, 27, 30 and 36, the claims recite the limitation "said content" in the third line of the claims. There is insufficient antecedent basis for this limitation in the claim. Independent claims 1, 10, 19 and 28 do not contain a "content" limitation.

11. Regarding claims 4-6, 13-15, 22-24 and 31-33, the claims recite the limitation "*said selected content*" in the second and third lines of the claims. There is insufficient antecedent basis for this limitation in the claim. Independent claims 1, 10, 19 and 28 do not contain a "*content*" limitation.
12. Regarding claims 6, 9, 15, 18, 24, 27, 33 and 36, the claims recite the limitation "*said subject matter*" in the second line of the claims. There is insufficient antecedent basis for this limitation in the claim. Independent claims 1, 10, 19 and 28 do not contain a "*subject matter*" limitation.
13. Regarding claims 9, 18, 27 and 36, the claims recite the limitation "*additional content*" in the first line of the claims. There is insufficient antecedent basis for this limitation in the claim. Independent claims 1, 10, 19 and 28 do not contain an "*initial content*" limitation. The claims further recite the limitation "*additional subject matter*" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim. Independent claims 1, 10, 19 and 28 do not contain an "*initial subject matter*" limitation.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

15. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Spencer US Patent 6,356,909 (filed 8/23/1999, patented 3/12/2002).
16. **Regarding independent claim 1**, Spencer recites: *"Using templates for predetermined RFP types (step 23), RFP creators can quickly choose a template that enables them to begin creating a client specific RFP. After the template or an existing RFP is selected, the user may review the RFP to add or delete appropriate sections or questions, as shown in step 24"* (column 12, lines 34-38). Spencer further recites: *"In one embodiment of the present invention, the system and method provide RFP creators with the capability to capitalize on previously developed RFP's and specific questions within each RFP using a question database and a RFP database accessible through the web site interface"* (column 3, lines 26-31).

Spencer further discloses selecting the sequence of sections in Figure 4 at reference sign 28, shown as *"Organize RFP"*.

17. **Regarding dependent claims 2-6**, Spencer discloses a database used to store content in Figure 3A at reference signs 2-7, shown as *"Question Database"*, *"Analysis Database"*, *"Response Database"*, *"Client Database"*, *"User Database"* and *"RFP Database"*. Spencer further discloses in Figure 3C, at reference signs A, B and C, lists of content that is selectable subject matter.
18. **Regarding dependent claims 7**, Spencer discloses in Figure 4 creating a new template at reference sign 21 (shown as *"Create Brand New RFP"*).
19. **Regarding dependent claims 8**, Spencer recites: *"This allows users to prepare reports at any time during the process. Any additional information that may be needed is generated. This allows users to output all of the data into the format of their choice or use the internal system tools to generate reports/results"* (column 16, lines 47-49).
20. **Regarding dependent claim 9**, the claim is directed toward substantially the same subject matter as claim 2, and is rejected with the same rationale.
21. **Regarding claims 10-18 and 28-36**, the claims are directed toward a system for the method of claims 1-9, and are rejected with the same rationale.
22. **Regarding claims 19-27**, the claims are directed toward a computer readable medium for the method of claims 1-9, and are rejected with the same rationale.

Conclusion

23. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***.

<u>Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-5,963,967	10-1999	Umen et al.
• US-6,055,522	04-2000	Krishna et al.
• US-6,356,903	03-2002	Baxter et al.
• US-6,498,657	12-2002	Kuntz et al.
• US-6,591,289	07-2003	Britton, Larry W.
• US-6,601,232	07-2003	Burba et al.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
April 19, 2004


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER